

Dylan P. Todd (NV Bar No. 10456)
Lee H. Gorlin (NV Bar No. 13879)
FORAN GLENNON PALANDECH PONZI
& RUDLOFF PC
2200 Paseo Verde Parkway, Suite 280
Henderson, NV 89052
Telephone: 702-827-1510
Facsimile: 312-863-5099
dtodd@fgppr.com
lgorlin@fgppr.com

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA, SOUTHERN DIVISION**

ALLSTATE INSURANCE COMPANY,
ALLSTATE PROPERTY & CASUALTY
INSURANCE COMPANY, ALLSTATE
INDEMNITY COMPANY AND ALLSTATE
FIRE &

Plaintiff,

vs.

OBTEEN N. NASSIRI, D.C., et al.,

Defendants.

CASE NO. 2:15-cv-01434--GMN-VCF

**[PROPOSED] ORDER TO RELEASE
SECURITY BOND**

Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company and Allstate Indemnity Company (collectively "Allstate") by and through their attorneys for record, hereby the Court issue an Order to release the Security Bond deposited with this court on April 28, 2016.

Defendants FAA FOI Tuitama, Advanced Med, LLC and Green Tree Services LLC filed a Motion for Security Costs [ECF No. 54] on October 15, 2015. Allstate filed a response to the Motion [ECF No. 57] on November 11, 2015. Defendants FOI Tuitama, Advanced Med, LLC and Green Tree Services filed its reply in support of its motion on November 23, 2015 [ECF No. 58]. The Court issued its Order Granting the Motion for

1 Security Costs on April 22, 2016 [ECF No. 91] See **Exhibit A**. On April 28, 2016 Allstate
2 deposited the security costs (\$4,500.00) with the Court [ECF 94]. See **Exhibit B**.

3 This case was closed in April in 2018. Allstate respectfully requests this Court to
4 issue an order releasing the security bond.

5 The current owner of the bond is McCormick Barstow. Allstate requests the total
6 bond amount (\$4,500.00) plus interest be payable to them.

7 Dated this 20th day of March, 2020.

8 FORAN GLENNON PALANDECH PONZI
9 & RUDLOFF PC

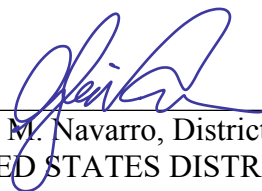
10 By: /s/ Dylan Todd
11 Dylan P. Todd (NV Bar No. 10456)
12 Lee H. Gorlin (NV Bar No. 13879)
13 2200 Paseo Verde Parkway, Suite 280
14 Henderson, NV 89052

15 *Attorneys for Plaintiffs*

16 **ORDER**

17 **IT IS SO ORDERED** that the Security Bond in the above-entitled matter be released.

18 Dated this 23 day of March, 2020.

19
20 
21 Gloria M. Navarro, District Judge
22 UNITED STATES DISTRICT COURT
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing [**PROPOSED**] **ORDER TO RELEASE SECURITY BOND** was served by the method indicated:

- ☐ **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document(s).
- ☐ **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.
- ☒ **BY ELECTRONIC SERVICE:** submitted to the above-entitled Court for electronic service upon the Court's Service List for the above-referenced case.
- ☐ **BY EMAIL:** by emailing a PDF of the document listed above to the email addresses of the individual(s) listed below.

Dated: March 20, 2020

/s/ Rita Tuttle
An Employee of Foran Glennon

EXHIBIT A

Order

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALLSTATE INSURANCE COMPANY, et)
 al.,)

Plaintiffs,)

vs.)

OBTEEN N. NASSIRI, D.C., et al.,)

Defendants.)

Case No.: 2:15-cv-01434-GMN-VCF

ORDER

Pending before the Court is a Demand for Security of Costs (ECF No. 54) pursuant to Nevada Revised Statutes § 18.130 filed by Defendants Faa Foi Tuitama, Advanced Med LLC, and Green Tree Services, LLC (collectively “Defendants”). Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, and Allstate Indemnity Company (collectively “Plaintiffs”) filed a Response (ECF No. 57), and Defendants filed a Reply (ECF No. 58). For the reasons set forth below, the Motion is granted.

I. BACKGROUND

Plaintiffs’ Complaint alleges that Defendants engaged in a series of fraudulent transfers in violation of Nevada Uniform Fraudulent Transfer Act, Nev. Rev. Stat. §§ 112.140, *et seq.*, and invokes the Court’s diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). (Compl. ¶¶ 2, 24, ECF No. 1). Defendants subsequently filed the instant Demand for Security of Costs (ECF No. 54).

II. LEGAL STANDARD

The Ninth Circuit recognizes that “federal district courts have inherent power to require plaintiffs to post security for costs.” *Simulnet E. Assocs. v. Ramada Hotel*

1 *Operating Co.*, 37 F.3d 573, 574 (9th Cir. 1994). Under Nevada law, “[w]hen a plaintiff
2 in an action resides out of the State, or is a foreign corporation, security for the costs and
3 charges which may be awarded against such plaintiff may be required by the defendant.”
4 NRS § 18.130(1). “After the lapse of 30 days from the service of notice that security is
5 required . . . upon proof thereof, and that no undertaking as required has been filed, the
6 court or judge may order the action to be dismissed.” NRS § 18.130(4). It is the policy of
7 the United States District Court for the District of Nevada to enforce the requirements of
8 NRS § 18.130 in diversity actions. *See, e.g., Feagins v. Trump Org.*, No. 2:11-cv-01121-
9 GMN, 2012 WL 925027, at *1 (D. Nev. Mar. 19, 2012).

10 **III. DISCUSSION**

11 Plaintiffs argue that requiring a security for costs would be inappropriate as “their
12 presence in Nevada is so strong that there is no danger of Plaintiffs being unavailable to
13 pay any costs they may be ultimately responsible for.” (Resp. 2:21–22). Plaintiffs admit,
14 however, that they are “citizens and residents of the State of Illinois.” (Compl. ¶ 2).
15 Accordingly, because Plaintiffs reside outside of Nevada, each Plaintiff is required to
16 provide security in the amount of \$500.00 per Defendant pursuant to NRS § 18.130.

17 **IV. CONCLUSION**

18 **IT IS HEREBY ORDERED** that the Motion Demanding Security of Costs (ECF
19 No. 54) is **GRANTED**.

20 **IT IS FURTHER ORDERED** that each Plaintiff must submit a bond pursuant to
21 this Order in the amount of \$500.00 per Defendant. Failure to do so within fourteen days
22 of the filing date of this Order shall constitute grounds for dismissal.

23 **DATED** this 22 day of April 2016.

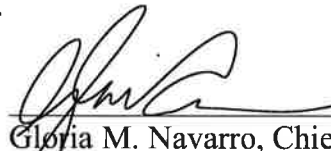
24 
25 Gloria M. Navarro, Chief Judge
United States District Judge

EXHIBIT B

Certificate of Deposit

EXHIBIT B

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ALLSTATE INSURANCE COMPANY, ALLSTATE PROPERTY & CASUALTY INSURANCE COMPANY
and ALLSTATE INDEMNITY COMPANY,

Plaintiffs,

OBTEEN N. NASSIRI, D.C., individually, JENNIFER NASSIRI, individually, JIM ANDERSEN, individually,
CHRISTYN ANDERSEN, individually, DAA TRUST, a Nevada Trust, HARLEY TRUCK, LLC, a Nevada
limited liability company, 181 RUSTY PLANK, LLC, a Nevada limited liability company, ANDERSEN
FAMILY TRUST, a Nevada trust, ADROON, LLC, a Nevada limited liability company, 2111 S.
MARYLAND, LLC, and Nevada limited liability company, FAF OF TUTAMA, individually, ADVANCED
MED LLC, a California limited liability company, GREEN TREE SERVICES, LLC, d/b/a MTO WEST COAST
MEDICAL TRAINING CENTERS, a Nevada limited liability company, VALLEY WELLNESS AND
RECOVERY, an entity of unknown origin, and, GOOD HANDS CHIROPRACTIC, INC, d/b/a GOOD HANDS
CHIROPRACTIC, a Nevada corporation,

Defendants.

CV 2:15-cv-1434-GMN-VCF
BY: _____
CLERK US DISTRICT COURT
DISTRICT OF NEVADA
DEPUTY

CERTIFICATE OF CASH DEPOSIT

1. I, Michael Merritt, Esq., herewith tender to the Clerk
(Name of Depositor)
of Court for deposit into the Registry Account of this Court cash in the amount of
\$ 4,500.00.

2. This Cash Deposit:

A. Is tendered on behalf of: Allstate Entities, Plaintiffs;
(Name of Party)

B. Is in the nature of the following (e.g., Interpleader Deposit, Bond in Support
of Temporary Restraining Order, etc.): Demand for Security Costs

C. Is tendered pursuant to the following Court Order (attached): _____

Docket Number 91

D. Is conditioned as follows: _____

...

1

COPY

Paid Amt \$ 4500 Date 4/28/16
Receipt # 1953 Initials JS

COPY

3. The name and address of the Legal Owner of the cash tendered herewith to whom a refund (if applicable) shall be made is:

McCormick Barstow

8337 W. Sunset #350

Las Vegas, NV 89113

State of Nevada)
County of Clark) ss.

Dated: April 27, 2016

[Signature]
Signature of Depositor

On April 27, 2016
personally appeared before me, a
Notary Public,

Michael Merritt, Esq.

(Name of Depositor)
who acknowledged that (s)he
executed the above instrument.

[Signature]
NOTARY PUBLIC

Dated: _____



Signature of Attorney for
Party or Party Appearing
Pro Se (If different from
Depositor)

RECEIPT:

Cash as identified herein is
hereby acknowledged as being
received this date.

Dated: 4/28/16

CLERK, U.S. DISTRICT COURT

By: [Signature]
Deputy Clerk

McCORMICK BARSTOW LLP ATTORNEYS AT LAW
CLIENT ADVANCE ACCOUNT

UNITED STATES DISTRICT COURT CLERK 6765

DATE	INVOICE NUMBER	MEMO	BALANCE
04/25/2016	04252016450000	JPG - SECURITY BOND 59140-00000 3246- 1462	4,500.00
CHECK DATE 04/25/2016	CHECK NUMBER 000006765	TOTAL	4,500.00

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER

6765

McCORMICK
BARSTOW LLP
ATTORNEYS AT LAW

CLIENT ADVANCE ACCOUNT
8337 W. SUNSET ROAD SUITE 350
LAS VEGAS, NV 89113
TELEPHONE (702) 949-1100

UNION BANK OF CALIFORNIA

16-49/1220

PAY: Four Thousand Five Hundred and 00/100 Dollars

NUMBER: 000006765

DATE: 04/25/2016

AMOUNT: *****4,500.00

TO THE ORDER OF

UNITED STATES DISTRICT COURT CLERK

VOID AFTER 6 MONTHS

2 SIGNATURES REQUIRED FOR AMOUNTS OF \$500.00 AND ABOVE

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK TOUCH OR PRESS HERE RED IMAGE DISAPPEARS WITH HEAT

⑈006765⑈ ⑈1122000496⑈ ⑈350002877⑈

<input checked="checked" type="checkbox"/> FILED <input type="checkbox"/> ENTERED	<input type="checkbox"/> RECEIVED <input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
APR 28 2016	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

Court Name: District of Nevada
Division: 2
Receipt Number: NVLAS041953
Cashier ID: psmythe
Transaction Date: 04/28/2016
Payer Name: McCormick Barstow

COMM REG MONEY MARKET
For: McCormick Barstow
Case/Party: D-MVX-2-15-CV-001434-001
Amount: \$4,500.00

CHECK/MONEY ORDER
Remitter: MCCORMICK BARSTOW
Check/Money Order Num: 6765
Amt Tendered: \$4,500.00

Total Due: \$4,500.00
Total Tendered: \$4,500.00
Change Amt: \$0.00

QBO: ALLSTATE ENTITIES
15-CV-1434

"Only when bank clears the check,
money order, or verifies credit of
funds is the fee or debt officially
paid or discharged. A \$53 fee will
be charged for a returned check."